

## REMARKS

### In the Specification:

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner stated that "the graft 362 of figure 91 is not described as cannular which is recited in claims 58 and 60-62."

Applicants respectfully disagree as the specification clearly describes the prosthesis of figure 91 as cannular. In particular, paragraph 119 of Applicants' specification states, "FIG. 91 depicts a cannular endoluminal prosthesis." Emphasis added. In view of the foregoing, Applicants respectfully request that the objection be withdrawn.

### In the Claims:

Claims 45, 46, 48-50, 53, 58, and 60-62 are currently pending in this application. The Examiner rejected claims 45, 46, 48-50, 53, 58, and 60-62 under 35 USC § 102(b) as anticipated by U.S. Patent No. 5,800,526 ("Anderson").

Independent claims 45 and 58 are drawn to wire stents having at least one integral barb (i.e. the barb has not been attached to the wire during the manufacturing process). The at least one barb is unbent with respect to the wire and is free of weakening due to bending. See e.g., claims 45 and 58.

Anderson does not teach or disclose a stent with all of the structural features recited in the rejected claims. For example, Anderson teaches wire stents with non-integral barbs. In particular, the Anderson specification states that "barbs can be formed independently of the stent and subsequently attached to it by welding, brazing or another process with the equivalent effect." See Anderson; col. 6, lines 64-67.

Further, Anderson does not teach or disclose a stent with integral barbs that are unbent, but instead describes a stent having barbs that are oriented by bending or distorting the barbs. In particular, the specification teaches forming the stent using a step etching process "to remove portions of material so that the barbs will bend

outwardly when the stent is expanded. In other words, . . . upon radial expansion of the stent, areas having less material will have a tendency to bend or distort." Emphasis added. See Anderson; col. 9, lines 19-25.

The Examiner's reliance on figures 16 and 17 of Anderson is misplaced as neither the figures nor the specification expressly teaches or discloses that these figures include integral barbs or barbs that are unbent.

Indeed, neither of these missing features is inherent in figures 16 or 17. In order to establish inherency, "the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.'" Emphasis added. See MPEP 2112 (citing *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)). Here, neither of the missing features is necessarily present since, as explained above, Anderson contemplates non-integral barbs and barbs that are bent and weakened due to bending.

In order to anticipate under § 102, an asserted reference must teach or disclose each and every element of the claimed invention. MPEP § 2131. Because Anderson does not teach or disclose each and every structural feature of independent claims 45 and 58, it does not anticipate the claimed invention. Claims 46, 48-50, and 53 depend directly or indirectly from claim 45, and claims 60-62 depend directly or indirectly from claim 58. Accordingly, Anderson does not anticipate any of these claims. Applicants respectfully request that the rejection of claims 45, 46, 48-50, 53, 58, and 60-62 be withdrawn and that these claims be allowed to pass to issuance. Early notification to such effect is earnestly solicited.

## SUMMARY

Applicants believe that the present claims are patentable and that the application is in a condition for allowance. Accordingly, Applicants respectfully request that the Examiner grant early allowance of the application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

  
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